

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF VIRGINIA
Charlottesville Division

CLERK'S OFFICE U.S. DIST. COURT
AT CHARLOTTESVILLE, VA
FILED

SEP 21 2021

Elizabeth Sines, et al

Plaintiffs

v

Jason Kessler, et al

Defendants

Case No: 3:17-cv-072-NKM

JULIA C. DUDLEY, CLERK
BY:  DEPUTY CLERK

SUPPLEMENTAL MOTION TO EXCLUDE THE DEPOSITION TESTIMONIES
OF ROBERT ISAACS "BAKER", BRADLEY GRIFFIN, DILLON "HOPPER" IZARRY,
AND THOMAS ROSSEAU PURSUANT TO FED.R.CIV.P. 32(a)


Comes now the Defendant, Christopher Cantwell, and, he makes this Supplemental Motion To Exclude The Deposition Testimonies Of Robert Isaacs "Baker", Bradley Griffin, Dillon "Hopper" Izarry, And Thomas Rosseau Pursuant To Fed.R.Civ.P. 32(a). In support, he states as follows:

- 1) Cantwell previously attached to his Motion for Extension of Time to File, which apparently has not been docketed yet with the Court, though it was filed September 2, 2021, a declaration stating the conditions under which he has been deprived of discovery by the Plaintiffs and deprived of access to what discovery he has received by the Bureau of Prisons and US Marshals Service.
- 2) Cantwell has now, in the past few days, received access to the documents released by the Plaintiffs in January 2021, and, has been reviewing that material as quickly as possible. First Sworn Declaration Of Christopher Cantwell Regarding Plaintiff's Failure To Notice Depositions ("First Cantwell Notice Decl") para 2.
- 3) Cantwell previously filed with this Court Objections to the Plaintiff-

iffs' Witness List in which he noted that the Plaintiffs did not notice him of any of the depositions they propose to enter into testimony, and, that they did not disclose most of the witnesses they have indicated, among other objections.

- 4) Based upon Cantwell's review of the discovery to date, he is now able to supplement his objections by affirmatively averring that Plaintiff's did not notice him of the depositions of Isaacs, Griffin, Izarry and Rousseau until months after their depositions had been taken. First Cantwell Notice Decl para 3-4.
- 5) Fed.R.Civ.P. 32(a) allows deposition testimony to be admitted at trial only if several conditions are met, including:
"(1)(A) the party was present or represented at the taking of the deposition or had reasonable notice of it."
- 6) Because Cantwell was prohibited by Plaintiffs' actions from being present or represented at the depositions and did not have reasonable notice of it, he now makes this Supplemental Motion To Exclude The Depositions Testimonies Of Robert Isaacs "Baker", Bradley Griffin, Dillon "Hopper" Izarry and Thomas Rosseau Pursuant To Fed.R. Civ.P. 32(a).

Respectfully Submitted,



Christopher Cantwell
USP-Marion
PO Box 1000
Marion, IL 62959

CERTIFICATE OF SERVICE

I hereby certify that this Supplemental Motion To Exclude Deposition Testimonies was mailed to the Clerk of the Court, 1st Class Postage Pre-paid, for posting upon the ECF, to which the other parties are subscribed, and, was handed to USP-Marion staff members Nathan Simpkins and/or Kathy Hill for electronic transmission to the Court this 22nd day of September, 2021.



Christopher Cantwell